

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DENNIS J. HARROW
TUESDAY A. HARROW

Bankruptcy No. 04-33306
Honorable DANIEL S. OPPERMAN
Chapter 13

Debtors.
_____ /

**THIRD APPLICATION FOR AWARD AND APPROVAL OF PAYMENT OF POST-
CONFIRMATION ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH
CHAPTER 13 PLAN PURSUANT TO L.B.R. 9014-1 (E.D.M.) FROM SEPTEMBER 12, 2006
THROUGH MAY 22, 2008**

NOW COMES CHIMKO, DZIALO & DIMOVSKI, PC, attorney for Debtors herein, and moves
this Honorable Court as follows:

- 1a. The total amount of fees requested in this fee application are \$774.50.
- 1b. The total amount of expenses sought are \$38.32.
- 1c. The minimum agreed compensation to be paid to counsel for services prior to the date of Confirmation was based upon hourly rates stated in a signed retainer agreement between debtors and debtors' counsel.
2. The fees requested are for services rendered from SEPTEMBER 12, 2006 THROUGH MAY 22, 2008.
3. That the within Chapter 13 Plan was confirmed on January 11, 2005.
4. That subsequent to the confirmation of the within Plan, it became necessary for the undersigned counsel to render additional legal services in excess of the original fee agreement.
5. That pursuant to L.B.R. 2016(b) (E.D.M.), the undersigned counsel for Debtor(s) reviewed file notes; prepared correspondence to clients; reviewed proof of claims; reviewed PACER claims register; reviewed file for response to fee application; prepared certificate of no response; reviewed file; reviewed trustee's records; prepared file notes; prepared amendment coversheet, prepared declaration; prepared amended schedule F; prepared statement of purpose to amend; reviewed correspondence from trustee's office; reviewed file for discharge eligibility; prepared correspondence to trustee's office; had telephone communications with trustee's office; performed two case reviews; and prepared fee application. The benefits conferred upon Debtors as a result of counsel's efforts are:

- a. Kept Debtor informed as to the status of their case.

Chimko,
Dzialo
& Dimovski, PC.

P.O. Box 70368
Recherer, Michigan 48307-0368

6. There are no adversary proceedings or litigation involved in this case.

7. The current status of this case is as follows: The Debtors are in their 41st month. The Plan is running timely. The fees do not impact this case as Debtor signed a retainer agreement that allows Counsel to be compensated for services rendered that benefit the Debtor and the estate. Counsel's services benefited both the Debtor and the estate.

8. Counsel anticipates that a periodic review will be completed to make sure that Debtor(s) case is running timely and that Debtor(s) is performing as required under the plan. Debtor will be notified as to the status of these reviews.

9. There are no unpaid administrative expenses.

10. Chimko, Dzialo & Dimovski, P.C. charges for each attorney that may have attended a hearing or worked on the file. Generally, Daniela Dimovski handles the Chapter 13 files in this office, while Darryl Chimko handles predominantly litigation matters, client intake, and occasional court hearings. Robert Dzialo attends court hearings and conducts client intakes.

11. That the fees and expenses previously approved are as follows:

\$2,771.50 in fees and \$30.20 in costs per Order dated March 3, 2005.

\$1,321.00 in fees and \$69.61 in costs per Order dated October 6, 2005.

\$574.00 in fees and \$50.41 in costs per Order dated October 24, 2006.

12. The Debtor was served with this application and notice and has 20 days in which to object if there are any concerns with the services provided and fees requested. Prior to this application, Debtor signed a retainer agreement and 2016b statement agreeing to compensate Counsel for services provided in connection with this case.

WHEREFORE, the undersigned counsel for Debtor(s) moves for award and payment of post-confirmation attorney fees and costs as an administrative expense through the Debtor(s) Chapter 13 Plan in the amount of \$774.50 in fees and \$38.32 in costs for a total compensation of \$812.82, Debtor(s) counsel having previously been awarded \$4,816.72.

Respectfully submitted,
CHIMKO, DZIALO & DIMOVSKI PC

By:

DARRYL A. CHIMKO (P31016)

ROBERT L. DZIALO (P31497)

DANIELA DIMOVSKI (60278)

Attorneys for Debtor(s)

P.O. Box 70368

Rochester, MI 48307-0368

(248) 564-4010

Dated: 5/28/08

Chimko,
Dzialo
& Dimovski, P.C.

P.O. Box 70368
Rochester, Michigan 48307-0368

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DENNIS J. HARROW
TUESDAY A. HARROW

Bankruptcy No. 04-33306
Honorable DANIEL S. OPPERMAN
Chapter 13

Debtors.
_____ /

**THIRD ORDER AWARDING AND APPROVING PAYMENT OF POST-CONFIRMATION
ATTORNEY FEE AND COSTS APPLICATION AS AN ADMINISTRATIVE EXPENSE THROUGH
CHAPTER 13 PLAN PURSUANT TO L.B.R. 9014-1 AND 2016-2(a) (E.D.M.) FROM SEPTEMBER
12, 2006 THROUGH MAY 22, 2008**

This matter having come on to be heard upon the application of the attorney for the Debtor(s), all interested parties having been served with notice of the application and the provisions of L.B.R. 9014-1 and 2016-2(a) (E.D.M.) having been met, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED:

1. The Court approves applicant's fees and expenses as follows:

Prior award for Fees:	<u>\$4,666.50</u>
Prior award for Costs:	<u>\$ 150.22</u>
Total award to Date:	<u>\$4,816.72</u>

This award for Fees:	<u>\$774.50</u>
This award for Costs:	<u>\$ 38.32</u>
Total this award:	<u>\$812.82</u>

Amount paid directly by Debtor(s)	<u>\$ 0.00</u>
Balance to be paid from Chapter 13 Plan	<u>\$812.82</u>

GRAND TOTAL FEES AND COSTS	<u>\$5,629.54</u>
----------------------------	-------------------

2. This award covers services rendered and expenses incurred from SEPTEMBER 12, 2006 THROUGH MAY 22, 2008.

3. Debtor's(s') counsel shall serve a copy of this Order upon the Chapter 13 Trustee.

4. The Chapter 13 Trustee shall disburse to applicant the fees and expenses awarded herein from the funds which first become available, subject to fees due and payable to the Clerk's office and Trustee's fees.

5. To the extent that fees and costs pursuant to this Order are not disbursed by the Chapter 13 Trustee, they shall be paid directly by the Debtor(s) following dismissal.

EXHIBIT

1

Chimko,
Dzialo
& Dumovski, PC.

P.O. Box 70368
Rochester, Michigan 48307-0368

Exhibit 2

N/A

United States Bankruptcy Court
Eastern District of Michigan

In re Dennis J. Harrow
Tuesday A. Harrow

Debtor(s)

Case No. 04-33306
Chapter 13

AMENDED
STATEMENT OF ATTORNEY FOR DEBTOR(S)
PURSUANT TO F.R.BANKR.P. 2016(b)

The undersigned, pursuant to F.R.Bankr.P. 2016(b), states that:

1. The undersigned is the attorney for the Debtor(s) in this case.
2. The compensation paid or agreed to be paid by the Debtor(s) to the undersigned is: [Check one]
☐ FLAT FEE
A. For legal services rendered in contemplation of and in connection with this case, exclusive of the filing fee paid
B. Prior to filing this statement, received
C. The unpaid balance due and payable is
☒ RETAINER
A. Amount of retainer received Per Prior Orders
of the Court
B. The undersigned shall bill against the retainer at an hourly rate of \$ 0.00. [Or attach firm hourly rate schedule.] Debtor(s) have agreed to pay all Court approved fees and expenses exceeding the amount of the retainer.
3. \$ 194.00 of the filing fee has been paid.
4. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including: [Cross out any that do not apply.]
A. ~~Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;~~
B. ~~Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;~~
C. ~~Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;~~
D. ~~Representation of the debtor in adversary proceedings and other contested bankruptcy matters;~~
E. ~~Reaffirmations;~~
F. ~~Redemptions;~~
G. Other: Per Retainer Agreement
5. By agreement with the debtor(s), the above-disclosed fee does not include the following services:
Per Retainer Agreement
6. The source of payments to the undersigned was from:
A. XX Debtor(s)' earnings, wages, compensation for services performed
B. _____ Other (describe, including the identity of payor) _____
7. The undersigned has not shared or agreed to share, with any other person, other than with members of the undersigned's law firm or corporation, any compensation paid or to be paid except as follows:

Dated: 5-9-08

Agreed: Dennis Harrow
Debtor Dennis J. Harrow

[Signature]
Joint Debtor (if any) Tuesday A. Harrow

[Signature]
Attorney for the Debtor(s)
Darryl J. Chimko P-31016
Chimko, Dzialo & Dimovski P.C.
P.O. Box 70368
Rochester, MI 48307-0368
(248) 564-4010

EXHIBIT

Staff Summary

Name	Position	Hours	Rate	Fees
Daniela Dimovski	Attorney	3.00	\$255.00	\$765.00
Dawn M Engel	Staff	0.10	\$95.00	\$9.50

EXHIBIT

4

Date: 5/22/2008

Dennis J. Harrow
209 Hansberger Street
Almont, MI 48003

Regarding: Harrow, Dennis & Tuesday
Invoice No: 6375

Chapter 13 Project Categories

Date	Staff	Description	Hours	Rate	Charges
I - Case Administration					
4/26/2007	DD	Preparation of Letter to Client 04-27-07 re - case review	0.20	\$255.00	\$51.00
4/26/2007	DD	Case Review (Claims Register .2 & Plan Calculation .3)	0.50	\$255.00	\$127.50
6/11/2007	DD	Telephone call with Tuesday	0.10	\$255.00	\$25.50
8/27/2007	DD	Telephone call with Tuesday	0.10	\$255.00	\$25.50
1/25/2008	DD	Preparation of Letter to Client 01-25-08 re - amended F	0.20	\$255.00	\$51.00
1/25/2008	DD	Preparation of Amendment Coversheet, Declaration and Amended Schedule F	0.40	\$255.00	\$102.00
2/01/2008	DD	Preparation of Notice of Extended Deadlines	0.20	\$255.00	\$51.00
2/18/2008	DD	Receipt & Review: Trustee's Report	0.10	\$255.00	\$25.50
4/30/2008	DD	Preparation of Letter to Client 04-30-08 re - stimulus payment	0.20	\$255.00	\$51.00
5/02/2008	DD	Case Review: claims .2 & plan calculation .3	0.50	\$255.00	\$127.50
5/05/2008	DD	Preparation of Letter to Client 05-06-08 re - case review	0.20	\$255.00	\$51.00
Sub Total: I - Case Administration					\$688.50

II. Chapter 13 Plan

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

III. 341 Meeting & 2004 Examinations

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

III. Claims Administration

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

EXHIBIT

V. Relief from Stay, Extension&Imposition of Stay

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

VI. Financing

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

VII. Sale, Realization&LiquidationEstate Property

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

VIII. Adversary Proceedings

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

VIII. Business Operations

5/22/2008	DD	None	0.00	\$255.00	\$0.00
-----------	----	------	------	----------	--------

X. Fee Application Preparation

10/24/2006	DD	Preparation of Certification of Nonresponse to Second Fee Application	0.10	\$255.00	\$25.50
------------	----	---	------	----------	---------

10/24/2006	DME	Preparation of Proof of Service and Service of Second Fee App Order	0.10	\$95.00	\$9.50
------------	-----	---	------	---------	--------

5/22/2008	DD	Preparation of Third Fee Application	0.20	\$255.00	\$51.00
-----------	----	--------------------------------------	------	----------	---------

Sub Total: X. Fee Application Preparation					\$86.00
---	--	--	--	--	---------

Total Fees	\$774.50
------------	----------

Total Fees & Expenses (Expenses listed on Exhibit 7)	\$812.82
--	----------

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DENNIS J. HARROW
TUESDAY A. HARROW

Bankruptcy No. 04-33306
Honorable DANIEL S. OPPERMAN
Chapter 13

Debtors.
_____ /

ATTORNEY'S BIOGRAPHICAL STATEMENT IN SUPPORT OF APPLICATION FOR FEES

CHIMKO, DZIALO & DIMOVSKI, P.C., counsel for Debtor herein, submits the following brief biographical statement in support of its Application for Attorney Fees as follows:

DARRYL J. CHIMKO

Experience

- Managing Partner, Chimko, Dzialo & Dimovski, P. C., 2003-present
- Partner, Shermeta, Chimko & Adams, P.C., 1983-2003

Education

- B.S. in Criminal Justice, Michigan State University, 1976
- J.D. from Detroit College of Law, 1979

Associations

- Member, American Bar Association
- Member, American Bankruptcy Institute
- Member, Commercial Law League

Admitted To Practice

State Bar of Michigan, United States Federal District and Bankruptcy Courts: Eastern District of Michigan; Western District of Michigan; Northern District of Ohio; Northern District of Indiana; Southern District of Indiana; Central District of Illinois; Southern District of Illinois and the Northern District of California

Areas of Legal Concentration

Consumer/Commercial Bankruptcy, Debtor/Creditor Rights and Insolvency

Other

- Author of several articles on the topics of Bankruptcy Law, Insolvency and Debtor/Creditor Relations
- Lecturer/Speaker (nationwide) on the topics of Bankruptcy Law, Insolvency and Debtor/Creditor Relations
- Recipient of the Croney Award from Visa U.S.A. for distinguished service in the area of Bankruptcy Law
- Associate Member, National Association of Bankruptcy Trustees
- Speaker at August 2005 National Business Institute Conference regarding BAPCPA

EXHIBIT

Chimko,
Dzialo
& Dimovski, P.C.

P.O. Box 70368
Rochester, Michigan 48307-0368

ROBERT L. DZIALO

Experience

- 1979 Judicial law clerk for Michigan Court of Appeals Judge William R. Beasley
- UAW Legal Services Plan, staff attorney for bankruptcy and real estate, 1983-1988
- Michigan National Bank, Vice President bankruptcy recovery department, 1988-1989
- Shermeta, Chimko & Adams, P.C., associate attorney, bankruptcy department, 1990-2003
- Partner, Chimko, Dzialo & Dimovski, P. C., 2003-present

Education

- 1973 Bachelor of Arts from University of Michigan,
- 1977 Masters Degree from University of Michigan
- 1979 Juris Doctorate from University of Michigan

Association

- Member Consumer Bankruptcy Association

Admitted To Practice

State Bar of Michigan; U.S. District Court Eastern District of Michigan; U.S. District Court Western District of Michigan

Areas of Legal Concentration

Consumer/Commercial Bankruptcy, Debtor/Creditor Rights and Insolvency

DANIELA DIMOVSKI

Experience

- Shermeta, Chimko & Adams, P.C. associate attorney, bankruptcy department, 2000-2003
- Partner, Chimko, Dzialo & Dimovski, P. C., 2003-present

Education

- Bachelor of Arts, Michigan State University, 1995
- Juris Doctorate, Thomas M. Cooley, 1999
 - Dean's List
 - Thomas Cooley Journal of Practical and Clinical Law

Associations

- Member Consumer Bankruptcy Association
- Member Young Bankruptcy Lawyers Committee
- Member American Bar Association
- Member American Bankruptcy Institute
- Member National Association of Chapter 13 Trustees

Admitted To Practice

State Bar of Michigan; U.S. District Court Eastern District of Michigan; U.S. District Court Western District of Michigan; U.S. Court of Appeals Sixth Circuit

Areas of Legal Concentration

Consumer/Commercial Bankruptcy, Debtor/Creditor Rights and Insolvency

Continuing Legal Education

- ABI Central States Bankruptcy Workshop, June 2001
- NACTT, July 2001
- ABI Central States Bankruptcy Workshop, June 2002
- NACTT, July 2002
- NABT, August 2003
- ABI Central States Bankruptcy Workshop, June 2003
- NACTT, July 2003
- NCBJ, October 2003
- CBA, October 2003
- CBA, June 2004
- ABI, Central States 2004
- ABI, Central States 2005
- NACTT, July 2005
- CBA, 2005
- ABI, Central States 2006
- NACTT, July 2006
- CBA – Columbus Day Seminar, October 2006
- ABI, Central States 2007
- NACTT, July 2007
- Consumer ABI, Troy, MI, November 2007

Other

- Speaker at August 2005 National Business Institute Conference regarding BAPCPA

Respectfully submitted,

CHIMKO, DZIALO & DIMOVSKI, PC

By:

DARRYL J. CHIMKO (P31016)

ROBERT L. DZIALO (P31497)

DANIELA DIMOVSKI (60278)

Attorneys for Debtor

P.O. Box 70368

Rochester, MI 48307-0368

(248) 564-4010

Dated: 5/28/08

Chimko,
Dzialo
& Dimovski, PC.

P.O. Box 70368
Rochester, Michigan 48307-0368

Itemized Statement of Expenses

<u>Start Date</u>	<u>Description</u>	<u>Charges</u>
9/26/2006	Photocopying Expense - Service of 2nd Fee Application	\$5.00
9/26/2006	Postage - Service of 2nd Fee Application	\$1.26
10/24/2006	Photocopying Expense - Service of Second Fee App Order	\$0.50
10/24/2006	Postage - Service of Second Fee App Order	\$0.78
4/26/2007	Photocopying Expense - Letter to Client 04-27-07 re - case review	\$0.25
4/26/2007	Postage - Letter to Client 04-27-07 re - case review	\$0.39
1/25/2008	Photocopying Expense - Letter to Client 01-25-08 re - amended F	\$1.75
1/25/2008	Postage - Letter to Client 01-25-08 re - amended F	\$0.82
2/01/2008	Court Costs - Amendment to Bankruptcy Petition	\$26.00
4/30/2008	Photocopying Expense - Letter to Client 04-30-08 re - stimulus payment	\$0.50
4/30/2008	Postage - Letter to Client 04-30-08 re - stimulus payment	\$0.41
5/05/2008	Photocopying Expense - Letter to Client 05-06-08 re - case review	\$0.25
5/05/2008	Postage - Letter to Client 05-06-08 re - case review	\$0.41
Total Expenses		<u>\$38.32</u>

EXHIBIT

7

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DENNIS J. HARROW
TUESDAY A. HARROW

Bankruptcy No. 04-33306
Honorable DANIEL S. OPPERMAN
Chapter 13

Debtors.

**NOTICE OF THIRD APPLICATION FOR AWARD AND APPROVAL OF PAYMENT OF POST-CONFIRMATION
ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN**

CHIMKO, DZIALO & DIMOVSKI, PC, attorneys for debtor herein have filed papers with the court for AWARD AND APPROVAL OF PAYMENT OF POST-CONFIRMATION ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN.

Fees Requested: \$774.50
Expenses Requested: \$ 38.32
Time Period: SEPTEMBER 12, 2006 THROUGH MAY 22, 2008

PLEASE NOTE: The application is available for public review at the Clerk's Office, 226 West Second Street, Flint, MI, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the APPLICATION FOR AWARD AND APPROVAL OF PAYMENT OF POST-CONFIRMATION ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN, or if you want the court to consider your views on the application, within TWENTY (20) days from the date of service of this application, you or your attorney must:

1. File a written response or an answer explaining your position with¹:
United States Bankruptcy Court
226 West Second Street
Flint, MI 48502

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the TWENTIETH (20th) day from the date of service of this application.

You must also mail a copy to:

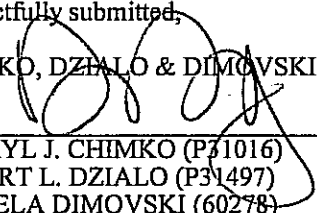
Chimko, Dzialo & Dimovski, PC, PO Box 70368, Rochester, MI 48307-0368
Carl Bekofske 510 W. Court Street Flint, MI 48503

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully submitted,

CHIMKO, DZIALO & DIMOVSKI, PC

By: 
DARRYL J. CHIMKO (P31016)
ROBERT L. DZIALO (P31497)
DANIELA DIMOVSKI (60278)
Attorneys for Debtor
P.O. Box 70368
Rochester, MI 48307-0368
(248) 564-4010

Dated: 

¹Response or answer must comply with F.R.Civ.P. 8(b), (c), (d) and (e).

Chimko,
Dzialo
& Dimovski, PC.

PO, Box 70368
Rochester, Michigan 48307-0368

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DENNIS J. HARROW
TUESDAY A. HARROW

Bankruptcy No. 04-33306
Honorable DANIEL S. OPPERMAN
Chapter 13

Debtors.
_____ /

PROOF OF SERVICE

DAWN M. ENGEL, certifies that on the 28TH day of May, 2008, she did electronically file THIRD APPLICATION FOR AWARD AND APPROVAL OF PAYMENT OF POST-CONFIRMATION ATTORNEY FEES AS AN ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN PURSUANT TO LBR 9014-1(E.D.M.) FROM SEPTEMBER 12, 2006 THROUGH MAY 22, 2008, ATTORNEYS' BIOGRAPHICAL STATEMENT IN SUPPORT OF APPLICATION FOR FEES, NOTICE OF APPLICATION with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

CARL BEKOF SKE

and I hereby certify that I have mailed by United States Postal Service the above papers to the following non-ECF participants:

DENNIS AND TUESDAY HARROW
209 HANSBERGER STREET
ALMONT, MI 48003



DAWN M. ENGEL, An employee of
CHIMKO, DZIALO & DIMOVSKI, P.C.
P.O. Box 70368
Rochester, Michigan 48307-0368
(248) 564-4010

Chimko,
Dzialo
& Dimovski, P.C.

P.O. Box 70368
Rochester, Michigan 48307-0368